

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF THE REVEREND  
GILBERT S. AVERY III, ET ALS, FOR APPROVAL OF A REDEVELOPMENT  
PROJECT AND CONSENT TO THE FORMATION OF MORVILLE HOUSE  
PURSUANT TO CHAPTER 121A OF THE MASSACHUSETTS GENERAL LAWS.

A. The Hearing. A public hearing was held at 2:30 p.m. on Thursday, September 9, 1971, in the offices of the Boston Redevelopment Authority (hereinafter called "the Authority") at Room 921, City Hall, Boston, Massachusetts, by the Authority on an Application (hereinafter called "the Application") filed by The Reverend Gilbert S. Avery, III, Brinley M. Hall, and The Episcopal City Mission (hereinafter called "the Applicants") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called "the Project"), and for consent to the formation of Morville House, a limited partnership to be organized under the provisions of Section 18C of said Chapter 121A for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication on August 25 and September 1, 1971, in the Boston Herald Traveler, a daily newspaper of general circulation published in Boston, and mailing postage prepaid, in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended.

Patrick Bocanfuso, Chairman of the Authority, and Paul J. Burns, James G. Colbert, Robert L. Farrell, and Joseph J. Walsh, members of the Authority were present throughout the hearing.

B. The Project. The Project consists of the purchase from the Authority by Morville House of land in the Fenway Urban Renewal Area, located on Norway Street between Whipple Street and Edgerly Road, containing 40,768 square feet, more or less, and is subject to an easement along its Easterly side. The Project further consists of the construction, operation and maintenance on this land by the 121A limited partnership of a 12-story, steel frame building with concrete masonry facing to contain 147 units of low and moderate income elderly housing, together with on-site parking facilities for thirty vehicles, appurtenant facilities and commercial space, all as shown on the plans filed as Exhibits G and H of the Application.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

D. The Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of said Chapter 121A,



Section 1, of the General Laws, providing, as it does, for the construction, operation and maintenance of decent, safe, and sanitary residential buildings in part of a larger area which was previously declared to be a substandard and decadent area under former Chapter 121, now Chapter 121B, of the General Laws by the Authority on November 24, 1965. This finding was concurred in by the Boston City Council in its Resolution approving the Fenway Urban Renewal Plan on December 20, 1965, and by the State Housing Board, and the Project Area has been, in part, taken by eminent domain or acquired by purchase, in furtherance of said Urban Renewal Plan.

Conditions exist which warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a 'project' within the meaning of that law. As stated above, the Project Area is included within a larger area which the Authority has already found to be substandard and decadent under the provisions of former Chapter 121, now Chapter 121B, and has been or will be taken by eminent domain or acquired by purchase. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960, as amended, will be met by the carrying out of the Project as it will provide desirable housing accommodations for low and moderate income families, of which there is a serious shortage in the City of Boston and in the Fenway Urban Renewal Area.

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E. Cost of the Project. In the opinion of the Authority, the cost of the project has been realistically estimated in the Application and the Project is practicable. The Applicants have applied for a mortgage insurance commitment from the Department of Housing and Urban Development to insure the mortgage in the amount of approximately \$3,000,000, and have further sought mortgage subsidy funds under Section 36 of the National Housing Act. An allocation of subsidy funds has been made by the Department for this Project. The balance of the funds required in addition to those obtained from the Department of Housing and Urban Development mortgage financing, approximately \$300,000 will ultimately be made available to the limited partnership by contributions from the limited partners. The HUD approved re-use price will be paid to the Authority simultaneously with the conveyance of the Project Area by the Authority to Morville House.

F. Master Plan. The Project does not conflict with the Master Plan of the City of Boston. In resolutions adopted by the Authority on November 24, 1965, approving the Fenway Urban Renewal Plan, it was found and determined that such Urban Renewal Plan conforms to the Master Plan, as amended, for the locality. The Project, in turn, conforms to the Fenway Urban Renewal Plan, as amended.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the public safety or convenience or be inconsistent with the most suitable development



of the City. The Project will in fact promote the best interests of the City and will constitute a public use and benefit. The structure to be erected under this Application is an attractive and efficiently designed building with ample light and air and appurtenant green spaces and will enhance the general appearance of the area and furnish attractive and necessary accommodations for elderly persons of low and moderate income. The Project will, further, by the construction of a building on vacant land now owned by the Authority, increase the tax base of the City. Although the 121A Partnership will legally be tax-exempt, by agreeing to make payments in lieu of taxes, the Project will increase the City's tax base by this construction.

Exhibit E sets forth the amounts which the Partnership proposes to pay by agreement to the City of Boston, in addition to the excise prescribed by Section 10 of Chapter 121A.

The carrying out of the Project will not involve any further demolition of the buildings occupied in whole or in part, as the site for the construction of the building is presently cleared. All of the families previously occupying any buildings in the Project Area have been satisfactorily relocated in accordance with the Fenway Urban Renewal Plan and the applicable regulations of the Department of Housing and Urban Development. The Project will provide approximately 147 dwelling units within the Project Area.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston, or for any other highway construction.

H. Minimum Standards. The minimum standards for financing, construction work, maintenance, and management of the Project as set forth in Exhibit D filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to the Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended. The Authority hereby approves any financing made pursuant to Paragraph 8 of the Application which is insured by the Department of Housing and Urban Development.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

To the extent that the project involves the construction of the units which constitutes a single building under the Boston Building Code and Zoning Law, the Authority declares such units separate buildings for the purposes of Chapter 138 of the General Laws.



I. Deviations. Exhibit C filed with and attached to the Application, sets forth requests for the Project to deviate from zoning, building and other regulations in effect in the City of Boston. Said Exhibit C, listing these requests, is attached hereto as Schedule A.

The Authority is satisfied, by reliable and generally accepted tests, or by experience in other cities, and on other projects, that the design, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, and in the evidence presented at the hearing will sufficiently satisfy the purpose for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations respectively. The Authority therefore grants permission hereby for the Project to deviate from those codes and regulations of the City of Boston specified in Schedule A attached hereto and made a part hereof.

The Authority hereby finds that the Application and the Project conform to and comply with each and every applicable requirement of Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960, as amended, and the applicable Rules and Regulations of the Authority; and the Authority for these reasons and for the reasons set forth in the Application and the supporting documents, and the evidence presented at the hearing, and in this report, hereby approves the Project and consents to the formation of Morville House,

as requested in the Application and consents to the filing of the limited partnership agreement for such partnership substantially in the form annexed to said Application, with the proviso that prior to the date of conveyance of the Project Area to Morville House, the Episcopal City Mission will disclose the names of all limited partners to the Authority.



SCHEDULE A

EXHIBIT C

Statement of Permission Required for  
Project To Deviate from Zoning and Other Laws

The following is a statement of all permissions which so far as known to the applicant, will be required for the project to deviate from zoning, building, health and fire laws, codes, ordinances and regulations in effect in the City of Boston.

I. ZONING

Article 8 Regulation of Use

Permission to allow certain commercial uses (specifically, use items 34, 35, 37, 39, 41, 43, 44, 46) in an H district.

Article 10 Accessory Uses

Permission to deviate from Section 10-1 prohibiting off-street parking within a front yard or within five feet of a side lot line. Off-street parking is proposed within five feet of the lot line abutting Whipple Street.

Article 11 Signs

Permission to waive the requirements of Section 11-1.

Article 15 Building Bulk

Permission to construct a building with a gross floor area of 97,832 square feet on the lot as shown in the plans submitted herewith having a total area of 40,768 square feet not excluding any parts of the lot required to be excluded under Section 15-1.

Article 21 Setbacks

Permission to deviate from the requirements of a minimum setback of a parapet from Norway Street of 34 feet less one half of the width of Norway Street. The proposed setback of that parapet, flush with the exterior wall, is 15 feet.

Article 23 Off-Street Parking

Permission to deviate from the requirement under Section 23-1 of 39 off-street parking spaces for residential uses and the requirement

under Section 23-4 of 6 off-street parking spaces for accessory retail and office uses, and from any other applicable off-street parking requirements. A total of 30 off-street parking places are proposed to satisfy all applicable off-street parking requirements.

## II. BUILDING LAW

### Section 521.0 Fire Emergency Exhaust System

Permission to deviate from the requirement under Sections 521.0-521.1 of fire emergency exhaust systems to the extent that such systems are required in any parts of the building other than exit stairways.

### Section 524.0 Noise Control in Multiple Dwellings

Permission to deviate from the requirement under Section 524.3.2a of a minimum impact noise rating for floor-ceiling construction of fifty (50). An impact noise rating of thirty-five (35) is proposed.





*Episcopal City* MISSION *Diocese of Massachusetts*

ONE JOY STREET, BOSTON, MASSACHUSETTS 02108

TELEPHONE: (617) 742-4720

September 9, 1971

Chairman  
Boston Redevelopment Authority  
City Hall  
Boston, Massachusetts

Dear Sir:

In connection with the application of the Rev. Gilbert S. Avery, III et als under Chapter 121A requesting deviations from the Building Law, and the hearing on this application before the Boston Redevelopment Authority Board on this date, please delete from the application the requested deviation from Section 521 of the Building Law relating to Fire Emergency Exhaust Systems. The undersigned feels such deviation is unnecessary.

Sincerely yours,

(The Rev.) Gilbert S. Avery, III  
Executive Director

GSA:ct

MEMORANDUM

SEPTEMBER 30, 1971

TO: Boston Redevelopment Authority

FROM: Robert T. Kenney, Director

SUBJECT: Report and Decision on Chapter 121A Application by  
Reverend Gilbert S. Avery, III, et als  
Parcel 16A  
Fenway Urban Renewal Area

SUMMARY: This Memorandum requests that the Authority adopt the Report and Decision approving the redevelopment project, and consenting to the formation of Morville House, as proposed in the Application of Reverend Gilbert S. Avery, III, et als.

A public hearing was held by the Authority on September 9, 1971, on an Application filed by the Reverend Gilbert S. Avery, III, and others for the authorization and approval of a redevelopment project under Chapter 121A of the Massachusetts General Laws and Chapter 652 of the Acts of 1960, as amended, and for consent to the formation of Morville House, a limited partnership to be organized under the provisions of Section 18C of Chapter 121A for the purpose of undertaking and carrying out the Project.

The 121A Application has been examined and found to contain sufficient evidence in support of the proposed project to permit the Authority to proceed with the adoption of the attached Report and Decision approving the Project and consenting to the formation of the limited partnership.

As indicated by the Applicants at the hearing, and as stated in the Application, this proposal calls for the construction of a building to house 147 units of elderly housing for persons of low and moderate income. An allocation of subsidy funds has been made by the Department of Housing and Urban Development under the Section 236 program and the Federal Housing Administration is presently processing a mortgage insurance commitment in the amount of approximately \$3,000,000.00. It is expected that FHA will shortly approve this project, at which time an FHA initial closing will be scheduled. Construction on this project should be commenced in November of this year.



The applicant has submitted a letter to the Authority requesting that the request to deviate from Section 521, of the Building Law relating to Fire Emergency Exhaust Systems be deleted from Schedule A, Exhibit E, paragraph II of the Application. (A copy of said letter is attached.)

It should be noted that in accordance with the Report and Decision that prior to the date of conveyance of the Project Area to Morville House, the Episcopal City Mission will disclose the names of all limited partners to the Authority.

It is therefore recommended that, pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project and consenting to the formation of Morville House.

An appropriate Vote follows:

VOTED: That the Document presented at this meeting entitled "Report and Decision on the Application of the Reverend Gilbert S. Avery, III, et al for Approval of a Redevelopment Project and Consent to the Formation of Morville House Pursuant to Chapter 121A of the Massachusetts General Laws" be and hereby is approved and adopted.